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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. CR06-309-TSZ  
10 v. )  
11 HOA DUY TUONG, ) SUMMARY REPORT OF U.S.  
12 Defendant. ) MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An evidentiary hearing on supervised release revocation in this case was scheduled  
15 before me on January 11, 2012. The United States was represented by AUSA Lisca  
16 Borichewski and the defendant by Ralph Hurvitz. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 23, 2007 by the Honorable Thomas S.  
18 Zilly on a charge of Possession of MDMA with Intent to Distribute, and sentenced to 37 months  
19 custody, three years supervised release.

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant participate in a substance abuse program, abstain from alcohol,  
22 submit to search, participate in a mental health program, provide his probation officer with

01 financial information upon request, and not associate with any known gang members. (Dkt.  
02 23.)

03 Defendant's probation officer reported that defendant tested positive for opiates on  
04 December 22, 2009. He was reprimanded and placed in a structured testing program. No  
05 further action was taken at the time. (Dkt. 31.) Defendant tested positive for cocaine on March  
06 19, 2010, admitting use on March 17, 2010. He was reprimanded and referred for professional  
07 assessment. No further action was taken at the time. (Dkt. 32.)

08 In an application dated July 21, 2011 (Dkt.33, 34), U.S. Probation Officer Jennifer Van  
09 Flandern alleged the following violations of the conditions of supervised release:

10 1. Committing the crime of Felon in Possession of a Weapon on or about July 13,  
11 2011, in Seattle, Washington, in violation of the general condition that he not commit a federal,  
12 state, or local crime.

13 Defendant was advised in full as to those charges and as to his constitutional rights.

14 Defendant admitted the violation and waived any evidentiary hearing as to whether it  
15 occurred. (Dkt. 42.)

16 I therefore recommend the Court find defendant violated his supervised release as  
17 alleged and that the Court conduct a hearing limited to the issue of disposition. The next  
18 hearing will be set before Judge Zilly, at the sentencing on the underlying charge.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 11th day of January, 2012.

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04 Mary Alice Theiler  
05 United States Magistrate Judge

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07 cc: District Judge: Honorable Thomas S. Zilly  
08 AUSA: Lisca Borichewski  
09 Defendant's attorney: Ralph Hurvitz  
10 Probation officer: Jennifer Van Flandern  
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